

REMARKS

Claims 6 to 9 and 11 to 16 are now pending.

Reconsideration is respectfully requested based on the following.

This Replacement/Supplemental Amendment (which replaces/supplements the Amendment filed on December 24, 2009) is being filed in response to the request by Examiner Michael J. Zanelli to “resubmit” the Amendment filed on December 24, 2009 to make “changes to page 4, lines 9-12 of the specification to make reference to newly added Figure 2” (see “continuation of 3” in Advisory Action of January 11, 2010). In the Advisory Action, the Examiner also advised the new Figure 2 was acceptable and that claim 15, as presented, was acceptable. The Substitute Specification is further amended herein as to the Detailed Description at page 4 so as to refer to Figure 2, as suggested by the Examiner. Approval and entry are respectfully requested.

Applicants again thank the Examiner for allowing claims 6 to 9, 11 to 14, and 16.

The drawings were objected to as assertedly not illustrating the features of “the navigation system comprising a drive and data medium.” The drawings objections are traversed.

Claim 15 was rejected under the second paragraph of 35 U.S.C. § 112 as being indefinite as lacking antecedent basis as to “the navigation reading device”.

While the rejection may not be agreed with, to facilitate matters, claim 15 has been rewritten so as to obviate the indefiniteness rejection. It is therefore respectfully requested that the indefiniteness rejection be withdrawn. In the Advisory Action, the Examiner advised that claim 15, as presented, was acceptable.

While 37 C.F.R. § 1.83(a) requires the drawings to show every feature of the specified in the claims, under 37 C.F.R. § 1.81 (a) — to which § 1.83 (a) is subject — an applicant is only “required to furnish a drawing of [the] invention where necessary for the understanding of the subject matter sought to be patented.” That is not the case here. It is respectfully submitted that the features of the navigation system having a drive and data

medium are fully described by the specification – as would be understood by a person having ordinary skill in the art, so that drawings of these aspects are not necessary. This is especially so since the novel “pregap portion” (as provided for in the context of the presently claimed subject matter) is specifically illustrated in Figure 1.

Nevertheless, while the objection may not be agreed with, to facilitate matters, the Replacement Drawing Sheet includes the original figure, but it is now labeled Fig. 1. The New Drawing Sheet includes new Fig. 2. No new matter has been added, and support is provided by the present application. The Substitute Specification has also been amended (including in the Detailed Description at page 4) to reflect new Figure 2, and the relabeling of the Figure as Figure 1. Approval and entry are respectfully requested.

The Substitute Specification is further amended herein as to the Detailed Description at page 4 to include reference to Figure 2, as suggested by the Examiner. Approval and entry are respectfully requested.

In the Advisory Action, the Examiner also advised the new Figure 2 was acceptable and that claim 15, as presented, was acceptable.

It is therefore respectfully requested that the drawing objection be withdrawn.

Accordingly, claim 15 is allowable – like allowed claims 6 to 9, 11 to 14, and 16.

CONCLUSION

In view of the foregoing, claim 15 is allowable – like allowed claims 6 to 9, 11 to 14, and 16. It is therefore respectfully requested that the rejections and objections be withdrawn. Prompt reconsideration and allowance of the present application are therefore respectfully requested.

Dated:

1/29/2010

Respectfully submitted,
KENYON & KENYON LLP

By:

Gerard A. Messina
(Reg. No. 35,952)

One Broadway
New York, NY 10004
(212) 425-7200

CUSTOMER NO. 26646

1884853

*G.A. Messina
33,865
Aaron C
1/29/2010*